Remarks

Claims 1–5, and 7–11, and 13–14 remain pending in the application. In the Office action dated Jan. 17, 2007, claims 1–5, 7–11, and 13–14 were rejected under 35 U.S.C. 102(b) as being anticipated by Swetish (5,954,253), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Swetish '253. Claims 4, and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Swetish in view of Lowe (4,860,936) or Wickersham (4,871,102). Claims 5, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Swetish '253 in view of Gregory (5361455). In addition, the use of the term "GREPTILE" in claims 13 and 14 was objected to as indefinite under 35 U.S.C. 112. The material of textured mechanical structure, the material with projecting fingers, and the small pyramids set out in claim 13 were required to be illustrated in the drawings.

Claims 13 and 14 have been amended to delete the term GREPTILE. The drawings have been amended to illustrate the material formed with microscopic projecting fingers and the material formed with small pyramids which mate with one another. The specification has been amended to refer to the amended drawings, and to make the description read more clearly. It is noted that the embodiments of FIGS. 6 and 7 are special cases of the textured mechanical structure and therefore those figures satisfy the requirement to show the general case.

The claims have been amended to clarify that the back plate/waist plate are formed of a different material than the first and second elements which have the frictionally engaging surfaces. As discussed in applicant's Nov. 1, 2006, response, there is no suggestion in the references of a frictional engagement of the sort claimed. It is the positioning of the frictionally engaging surfaces of the claimed invention that permits the operation of the apparatus. Because the prior art does not contemplate a pack/belt arrangement which operates as does the claimed invention, there is no suggestion that the frictionally engaging portions be formed of a different material than any rigid part of the apparatus. It would not be obvious to introduce a multiplicity

of materials when there is no suggested reason for doing so.

The limitation with respect to the different composition of the back plate/waist plate and the first and second elements, is supported by the specification, which provides at paragraph [0019] that

> the back plate 30 may be composed of a hardened lay-up of ballistic materials, it could also be formed of aluminum, carbon fiber, fiberglass, a thermoplastic material such as ABS plastic 1/8 inch thick or thicker, and it could be reinforced with glass fibers. ... The back plate 30 may also be a composite structure, for example plastic reinforced with metal spars, such as ABS plastic with 1/8 inch thick aluminum spars.

And as noted in paragraph [0023] the waist plate 56 "may be made of a material similar to the material from which the back plate is formed." whereas the friction load transfer elements ("the material which presents the high friction load transfer surfaces"), as noted in paragraph [0024]

> may be a material with an inherently high coefficient of friction such as synthetic or natural rubber, or urethane, or the rubber from which automobile tires are made, or some viscoelastic material, or it could be the GREPTILE™ material formerly manufactured by 3M of Minneapolis, Minnesota.

It is noted that the examiner has not addressed the arguments in the Nov. 1, 2006, response with regard to the structural differences between the claimed invention and Swetish, which are entitled to consideration; namely:

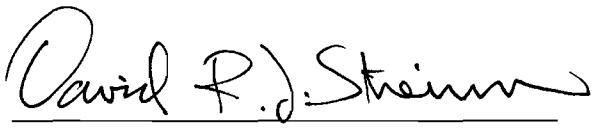
* "In other words, the [Swetish] frame is deformed ('bowed') by its connection to the belt assembly to create the air flow space 116. It would not frictionally engage the belt assembly in a way which would allow any transfer of loads prior to its being connected thereto."

* "...there is nothing to suggest frictional load transfer between the flexible frame and the waist support belt absent the disclosed physical connections, because in such a situation the Swetish frame would be too big, and would not clamp the belt assembly between its two wings, and without some load applied, friction will not develop."

Applicant believes that no new matter has been added by this amendment.

Applicant submits that the claims, as amended, are in condition for allowance. Favorable action thereon is respectfully solicited.

Respectfully submitted,



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